

PATENT
ATTORNEY DOCKET NO. 05032-00031

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yvo Maria Franciscus Graus,
Hobbe Friso Smit,
Albertus Dominicus Marcellinus Erasmus Osterhaus,
and Robert Johan Joseph Hageman

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)
) Examiner:
) TBA
)
)
)

Serial No.: 10/612,242

) Art Unit:
) 1654
)
)
)

Filed: July 2, 2003

Title: CHLOROGENIC ACID AND AN ANALOG
THEREOF FOR IMMUNE SYSTEM
STIMULATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop: APPLICATION PROCESSING DIVISION

REQUEST FOR CORRECTED FILING RECEIPT

Dear Sir:

The above-referenced case has a filing date of July 2, 2003 and has been accorded serial number 10/612,242. Applicants have received filing receipt listing it as a small entity, when in fact it has been filed under large entity status. A copy of the Application Data Sheets and the application transmittal letter are attached. However, it is noted that the large entity fee was

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

USSN 10/612,242

October 15, 2003
Date
Laurie Hall
Laurie Hall

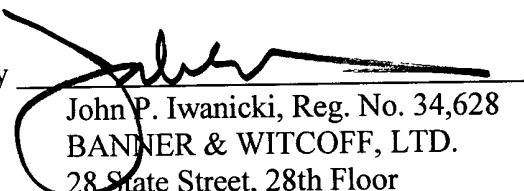
inadvertently not authorized at the time of the filing of the application. Rather, the small entity fee was incorrectly identified. Accordingly, as the total filing fees for the application should be \$1,038.00, please charge Deposit Account 19-0733 for the balance of the filing fees due, if they have not already been charged, in the amount of \$519.00.

Also enclosed is a copy of the official Filing Receipt with the correction to made shown in red. Applicants respectfully request a corrected filing receipt indicating the proper entity size and the total fees paid.

Respectfully submitted,

Dated: October 15, 2003

By


John P. Iwanicki, Reg. No. 34,628
BANNER & WITCOFF, LTD.
28 State Street, 28th Floor
Boston, MA 02109
(617) 720-9600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/612,242	07/02/2003	1654	519	05032-00031		36	2

CONFIRMATION NO. 3317

22910
 BANNER & WITCOFF, LTD.
 28 STATE STREET
 28th FLOOR
 BOSTON, MA 02109-9601

FILING RECEIPT



OC000000010960645

Date Mailed: 10/01/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Yvo Maria Franciscus Graus, Ede, NETHERLANDS;
 Hobbe Friso Smit, Utrecht, NETHERLANDS;
 Albertus Dominicus Marcellinus Erasmus Osterhaus, Bunnik, NETHERLANDS;
 Robert Johan Joseph Hageman, Waddinxveen, NETHERLANDS;

Assignment For Published Patent Application

Nutricia N.V., Zoetermeer, NETHERLANDS;

Domestic Priority data as claimed by applicant

This application is a CON of 09/734,303 12/11/2000 PAT 6,632,459

Foreign Applications

If Required, Foreign Filing License Granted: 09/29/2003

Projected Publication Date: 01/08/2004

Non-Publication Request: No

Early Publication Request: No

LARGE
****SMALL ENTITY****

05032.00031
 RECEIVED
 OCT 1 2003
 MAIL ROOM
 fed'd filing Receipt

Title

Chlorogenic acid and an analog thereof for immune system stimulation

Preliminary Class

424

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES CONTINUING UTILITY PATENT APPLICATION
under 37 C.F.R. § 1.53(b)

Atty. Docket No. 05032-00031

EV323344020US

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10: The undersigned hereby certifies that this United States Patent Application and all papers noted herein as being attached, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 today, **July 2, 2003**, and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By

Express Mail Label No.: EV323344020 US

COPY

Commissioner for Patents
Mail Stop Patent Application
P.O. Box 1450
Alexandria, VA 22313-1450

Enclosed herewith is a continuing patent application and the following papers:

Inventor(s) (or application identifier): **Yvo Maria Franciscus Graus, Hobbe Friso Smit,
Albertus Dominicus Marcellinus Erasmus Osterhaus, and
Robert Johan Joseph Hageman**

Title of Invention: **CHLOROGENIC ACID AND AN ANALOG THEREOF FOR IMMUNE
SYSTEM STIMULATION**

- ☒ Continuation
- ☐ Divisional
- ☐ Continuation-in-Part

of prior application No. 09/734,389, filed December 11, 2000.

1. ☒ Specification 25 pages (including specification, claims, abstract) / 36 claims (2 independent), after entry of the Preliminary Amendment.
2. ☒ Declaration/Power of Attorney:
 - ☒ Copy from Prior Application (for continuation or divisional application)
 - ☐ Newly Executed Declaration (for CIP application)
 - ☐ Deferred under 37 C.F.R. § 1.53(f)
 - ☐ Deletion of Inventor(s) - Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b)
 - ☒ Incorporation by Reference - The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein

UNITED STATES CONTINUING UTILITY PATENT APPLICATION

under 37 C.F.R. § 1.53(b)

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3. ☐ ___ Distinct sheets of ☐ Formal ☐ Informal Drawings
4. ☒ Preliminary Amendment is enclosed.
- ☒ Amend the specification by inserting before the first line the sentence : --This application is a continuation of U.S. Patent Application Serial No. 09/734,389, filed on December 11, 2000, which is hereby incorporated herein by reference.--
5. ☒ Information Disclosure Statement
- ☒ Form 1449
- ☐ A copy of each cited prior art reference
6. ☒ Assignment
- ☐ Assignment with Cover Sheet attached
- ☒ Assignment filed in prior application. Application assigned to: **Nutricia N.V.**, of Zoetermeer, THE NETHERLANDS.
7. ☐ Priority is hereby claimed under 35 U.S.C. § 119 based upon the following application(s) (provisional and foreign applications):

Country	Application Number	Date of Filing (day, month, year)

8. ☒ Priority is hereby claimed under 35 U.S.C. § 120 based upon the following application(s):

Country	Application Number	Date of Filing (day, month, year)
US	09/734,389	11 DEC 2000

9. ☐ Priority document(s)
10. ☐ Small Entity Statement
- ☐ Small Entity status was claimed in prior application. Small Entity status is still proper and desired
- ☐ Small Entity status is being claimed hereby.
- ☐ is no longer claimed
11. ☐ Nucleotide and/or Amino Acid Sequence Submission
- ☐ Computer Readable Copy
- ☐ Paper Copy (identical to computer copy)
- ☐ Statement verifying identity of above copies

UNITED STATES CONTINUING UTILITY PATENT APPLICATION

under 37 C.F.R. § 1.53(b)

Atty. Docket No. 05032-00031

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12. Calculation of Fees:

FEES FOR	EXCESS CLAIMS	FEE	AMOUNT DUE
Basic Filing Fee (37 C.F.R. § 1.16(a))			\$750.00
Total Claims in Excess of 20 (37 C.F.R. § 1.16(c))	16	18.00	\$288.00
Independent Claims in Excess of 3 (37 C.F.R. § 1.16(b))	0	84.00	\$0.00
Multiple Dependent Claims (37 C.F.R. § 1.16(d))	0	280.00	\$0.00
Subtotal - Filing Fee Due			\$1,038.00
		MULTIPLY BY	
Reduction by 50%, if Small Entity (37 C.F.R. §§ 1.9, 1.27, 1.28)	0.50		\$519.00
TOTAL FILING FEE DUE			\$519.00
Assignment Recordation Fee (if applicable) (37 C.F.R. § 1.21(h))	0	40.00	\$0.00
GRAND TOTAL DUE			\$519.00

13. PAYMENT is:

- ☒ The Commissioner is authorized to debit the instant filing fee, in the amount of \$519.00, and any other fees during the pendency of this application under 37 C.F.R. §§ 1.16, 1.17 and 1.18, to Deposit Account No. 19-0733. A duplicate copy of this letter is enclosed.

☐ not included, but deferred under 37 C.F.R. § 1.53(f)

14. All correspondence for the attached application should be directed to:

John P. Iwanicki
BANNER & WITCOFF, LTD.
28 State Street, 28th Floor
Boston, MA 02109
Telephone: (617) 227-7111
Facsimile: (617) 227-4399

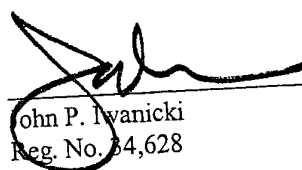
Customer No. 22910

16. Other: Application Data Sheets (4 pages); return postcard.

Date:

July 2, 2003

By:


John P. Iwanicki
Reg. No. 34,628

JPI/h
Enclosures